Dakota Access Pipeline

The **Dakota Access Pipeline** (**DAPL**) or **Bakken pipeline** is a 1,172-mile-long (1,886 km) underground oil pipeline in the United States. It begins in the shale oil fields of the Bakken formation in northwest North Dakota and continues through South Dakota and Iowa to an oil terminal near Patoka, Illinois. Together with the Energy Transfer Crude Oil Pipeline from Patoka to Nederland, Texas, it forms the Bakken system.

The $3.78 billion project was announced to the public in June 2014, and informational hearings for landowners took place between August 2014 and January 2015. Dakota Access, LLC, controlled by Energy Transfer Partners, started constructing the pipeline in June 2016. Phillips 66, and affiliates of Enbridge and Marathon Petroleum have minority interests in the pipeline. The pipeline was completed by April 2017 and its first oil was delivered on May 14, 2017.[3] The pipeline became commercially operational on June 1, 2017.[4][5]

Protests of the Dakota Access Pipeline occurred at several places because of concerns about the pipeline's impact on the environment and to sites sacred to American Indians. Indigenous nations around the country began opposing the pipeline, along with the Sioux tribal nations. In North Dakota, next to and on the Standing Rock Indian Reservation nearly 15,000 people from around the world protested, staging a sit-in for months.

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Dakota Access Pipeline

Dakota Access Pipeline route (Standing Rock Indian Reservation is shown in orange)[1]

Location	
Country	United States
General direction	Southeastward
From	Stanley, North Dakota
Passes through	States of North Dakota (Bismarck) South Dakota (Redfield, Sioux Falls) Iowa (Sioux Center, Storm Lake, Ames, Oskaloosa, Ottumwa, Fort Madison) Illinois (Jacksonville)[2]
To	Patoka, Illinois (oil tank farm)
General information	
Type	Crude oil
Partners	Energy Transfer Partners Phillips 66

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See also

References

External links

	Enbridge Marathon Petroleum
Operator	Dakota Access Pipeline, LLC (development phase) Energy Transfer Partners (operational phase)
Construction started	2016
Commissioned	June 1, 2017
Technical information	
Length	1,172 mi (1,886 km)
Maximum discharge	0.47 million barrels per day (~2.3×10^7 t/a)
Diameter	30 in (762 mm)
Website	daplpipelinefacts.com

Description

The pipeline, which is also referred to as the **Bakken pipeline**, has a permanent easement of 50 feet (15 m) and a construction right-of-way of up to 150 feet (46 m). The 30-inch (760 mm) diameter pipeline is at least 48 inches (1.2 m) underground from the top of the pipe or 2 feet (0.61 m) below any drain tiles.[6]

Capacity

The pipeline carries 470,000 barrels per day (75,000 m^3/d) of crude oil.[7] The capacity may be increased up to 570,000 barrels per day (91,000 m^3/d).[8]

Cost

The pipeline cost $3.78 billion, of which $1.4 billion was invested in the North Dakota portion, $820 million was invested in the South Dakota portion, $1.04 billion was invested in the Iowa portion, and $516 million was invested in the Illinois portion.[9] Of this, $189 million was paid to landowners.

Job creation and economic benefits

The pipeline is estimated to have created 51 permanent jobs across the 4 states.[10]

2014 projections of economic benefits to Iowa

In 2014, Energy Transfer Partners estimated that the pipeline would create between 12 and 15 permanent jobs and from 2,000 to 4,000 temporary jobs in Iowa. The $1.35 billion capital investment in Iowa was projected to generate $33 million sales tax in Iowa during construction and $30 million property tax in 2017.[11] Energy Transfer hired "Strategic Economics Group" in West Des Moines to prepare this analysis.[12][13]

Comparison to rail transport

The pipeline provides an outlet for oil to be transferred across the country and then sold to international countries and corporations. The developer argued that the pipeline improves the overall safety to the public, would help the US to attain energy independence, and is a more reliable and safer method of transport to refineries than rail or road. Proponents have argued that the pipeline will free up railroads, which will allow farmers to ship more Midwest grain.[14] About 70% of Bakken oil is transported by rail because of pipeline limitations.[15] As of July 2014 Bakken shale oil was transported through nine Iowa counties exclusively via three freight trains per week.[16] As of June 2014, 32 trains per week carrying Bakken oil traveled through Jo Daviess County in northwestern Illinois.[15]

Rail offers greater flexibility and adaptability and has had fewer spill volume per Billion-Ton-Miles, but costs significantly more than pipeline transportation and, similar to pipeline, still requires additional investment.[17]

Ownership

Bakken Oil being shipped by rail in Trempealeau, Wisconsin, a few feet from the Mississippi River

Dakota Access Pipeline

The pipeline is owned by Energy Transfer (36.4% stake), MarEn Bakken Company LLC, and Phillips 66 Partners. MarEn Bakken Company LLC is an entity owned by MPLX LP (an affiliate of Marathon Petroleum) and Enbridge Energy Partners L.P.[18]

Energy Transfer Crude Oil Pipeline

Bakken Holdings Company and Phillips 66 also co-own another part of the Bakken system, the Energy Transfer Crude Oil Pipeline which runs from Patoka to storage terminals in Nederland, Texas.[19][18]

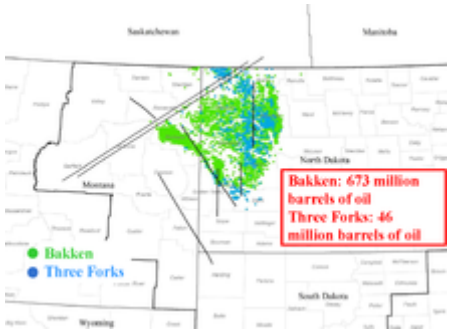
Financing

The pipeline project cost $3.78 billion, of which $2.5 billion was financed by loans, while the rest of the capital was raised by the sal of ownership in Dakota Access, LLC to Enbridge and Marathon Petroleum.[20] The loans were provided by a group of 17 banks, including Citibank, Wells Fargo, BNP Paribas, SunTrust, Royal Bank of Scotland, Bank of Tokyo-Mitsubishi, Mizuho Bank, TD Securities, ABN AMRO Capital, ING Bank, DNB ASA, ICBC, SMBC Nikko Securities and Société Générale.[21]

Due to the Dakota Access Pipeline protests, DNB ASA announced in November 2016 to use its position as a lender of over $342 million credit "to encourage a more constructive process to find solutions to the conflict that has arisen."[22][23] In February 2017, Seattle, Washington's city council unanimously voted to not renew its contract with Wells Fargo "in a move that cites the bank's role as a lender to the Dakota Access Pipeline project as well as its "creation of millions of bogus accounts" and saying the bidding process for its next banking partner will involve "social responsibility." The City Council in Davis, California, took a similar action voting unanimously to find a new bank to handle its accounts by the end of 2017.[24] In March 2017, ING sold its stake in the loan, while retaining a potential risk in case of non-payment under the loan.[25][26]

Route

The pipeline route runs from the northwestern North Dakota Bakken and Three Forks sites. It starts in Stanley, North Dakota, and travels in a southeastward direction to end at the oil tank farm near Patoka, Illinois.[19] It crosses 50 counties in four states.[27]



Map of Bakken wells in the Dakotas

In North Dakota, the 346-mile (557 km) route traverses seven counties.[9] The project consists of 143 miles (230 km) of oil gathering pipelines and 200 miles (322 km) of larger transmission pipeline. The route starts with a terminal in the Stanley area, and runs west with five more terminals in Ramberg Station, Epping, Trenton, Watford City and Johnsons Corner before becoming a transmission line going through Williston, the Watford City area, south of Bismarck, and crossing the Missouri River again north of Cannon Ball.[28] It also includes six tank farm locations, one electric pump station.[9]

In the early stages of route planning, it was proposed laying the pipeline 10 miles (16 km) northeast of Bismarck, North Dakota.[29][30] The Bismarck route was 11 miles (18 km) longer and was rejected by on the basis its potential threat to Bismarck's water supply. It was rejected by the United States Army Corps of Engineers (USACE) in an early environmental assessment before submitting a request to the North Dakota Public Service Commission (NDPSC) for a permit.[30][31] This decision was described by some activists like Jesse Jackson as environmental racism.[31] The change of the route put the pipeline into the existing pipeline

corridor parallel to the already existing Northern Border Pipeline, a natural gas pipeline built in 1982.[31][32][33] The Dakota Access pipeline selected a "nearly identical route" and planned to cross the Missouri River near the same point.[32] The plans call for the pipeline to be directionally bored so that it will not come in contact with the Missouri River. It is planned to be "as deep as 90 feet (27.4 m)" below the riverbed.[34][35] The pipeline does not cross the Sioux land but by a point it is only about 500 feet (150 m) from the Standing Rock reservation.[33]

In South Dakota, the pipeline travels 274 miles (441 km) through 12 counties: Campbell, McPherson, Edmunds, Faulk and Spink.[36] The system includes one electric pump station.[9]

In Iowa, the pipeline extends about 347 miles (558 km) diagonally through 18 Iowa counties: Lyon, Sioux, O'Brien, Cherokee, Buena Vista Sac, Calhoun, Webster, Boone, Story (which will have a pumping station), Polk, Jasper, Mahaska Keokuk, Wapello, Jefferson, Van Buren, and Lee. The system includes one electric pump station.[9]

In Illinois, the 177-mile (285 km) route traverses 12 counties.[9]

Dakota Access Pipeline being built in central Iowa

History

Planning, 2014–2016

Energy Transfer Partners approved and announced the pipeline project on June 25, 2014.[38] In October 2014, Phillips 66 acquired 25% stake in the project.[19]

In September 2014, Dakota Access held an initial informational meeting with the Standing Rock Sioux Tribal Council. Informational meetings for South Dakota and Illinois landowners were held in October 2014,[11] and starting on December 1, 2014, in each of the affected counties in Iowa.[39] Meetings in Fort Madison, Sioux Center, Oskaloosa and Storm Lake brought out 200 to 350 people at each venue and in each one some attendees expressed their opposition to the pipeline.[40][41][42][43] A webinar for Brown and Hancock County, Illinois took place in February 2015.[44]

Fort Laramie Treaty boundary which Dave Archambault II invoked, opposing any pipeline construction within that area.[37]

On October 29, 2014 Dakota Access submitted the project to the Iowa Utilities Board (IUB),[45] after Iowa Governor Terry Branstad rejected pleas from a coalition of Iowa community and environmental activists who asked him to block plans.[46] In December 2014 Dakota Access submitted an application for a permit from the North Dakota Public Service Commission for the proposed route.[47] In January 2015, Dakota Access filed the application with the IUB.[48] In February 2015, it filed applications with the Iowa Department of Natural Resources for sovereign land and floodplain permits.[49] In April 2015, Iowa Senate Study Bill 1276 and House Study Bill 249 advanced with both Senator Robert Hogg, D-Cedar Rapids, and State Representative Bobby Kaufmann, R-Wilton, in support; it required Dakota Access "to obtain voluntary easements from 75% of property owners along the route before eminent domain could be authorized".[50] On November 12, 2015, the Iowa Utilities Board heard public testimony during one day with more than 275 people signed up opposing the pipeline.[51]

In January 2016, Dakota Access filed 23 condemnation suits in North Dakota "against 140 individuals, banks and a coal mine".[52]

The IUB approved the pipeline on March 10, 2016, on a vote of 3 to 0, being the last of four states utility regulators granting its approval under the conditions which include liability insurance of at least $25 million; guarantees that the parent companies of Dakota Access will pay for damages created by a pipeline leak or spill; a revised agricultural impact mitigation plan; a timeline for construction notices; modified condemnation easement forms; and a statement accepting the terms and condition's of the board's order."[53][54] One day later, the company stated it had secured voluntary easements on 82% of the 1,295 affected Iowa land

parcels.[55] A week later, Dakota Access filed motions with the IUB requesting expedited and confidential treatment to begin construction immediately, saying it met the conditions and that its liability insurance policies were trade secrets under Iowa law and "would serve no public purpose".[54]

Construction, 2016–2017

In March 2016, the United States Fish and Wildlife Service issued a sovereign lands construction permit. In late May 2016, the permit was temporarily revoked in three counties of Iowa, where the pipeline would cross the Big Sioux River and the Big Sioux Wildlife Management Area; these are historic and cultural sites of the Upper Sioux tribe, including graves in Lyon County.[56] Also in May 2016, Iowa farmers filed lawsuits to prevent the state from using eminent domain to take their land.[57]

Presidential Documents

Construction of the Dakota Access Pipeline

Presidential Memorandum Regarding Construction of the Dakota Access Pipeline (2017)

Citing potential effects on and lack of consultation with the Native American tribes, most notably the Standing Rock Sioux, in March and April 2016 the Environmental Protection Agency, the Department of Interior, and the Advisory Council on Historic Preservation asked the USACE to conduct a formal Environmental Impact Assessment and issue an Environmental Impact Statement. However, in July and August 2016 USACE approved the water crossing permits and issued all but one permission necessary for the pipeline construction.[58][59][58]

In June 2016, the IUB voted 2 to 1 (Libby Jacobs and Nick Wagner in favor and Chairwoman Geri Huser against) to allow construction on non-sovereign lands to continue. The Sierra Club said this action was illegal before the US Corps of Engineers authorized the project.[60] In late June 2016, construction was allowed to resume in Lyon County after plans were changed to route the pipeline 85 feet (26 m) below the site using directional boring, instead of trenching and disturbing the soil on the surface.[61] In December 2016, the approval was disputed in the Polk County District Court.[62]

On July 27, 2016 the Standing Rock Sioux Tribe sued the USACE in the United States District Court for the District of Columbia.[63][64][65] On September 9, 2016 U.S. District Judge James Boasberg denied the motion for preliminary injunction. On September 10, 2016 the Standing Rock Sioux Tribe filed an appeal which was denied on October 9, 2016.[66]

In August 2016, the joint venture of Enbridge (75%) and Marathon Petroleum (25%) agreed to purchase a 49% stake in Dakota Access, LLC for $2 billion.[67][68] The deal was completed in February 2017 after the final easement was granted.[69]

In September 2016 the U.S Department of Justice received more than 33,000 petitions to review all permits and order a full review of the project's environmental effects.[70] On September 9, 2016, the US Departments of Justice, Army, and Interior issued a joint statement to temporarily halt the project on federal land bordering or under the Lake Oahe reservoir. The US federal government asked the company for a "voluntary pause" on construction near the area until further study was done in the region extending 20 miles (32 km) around Lake Oahe.[65][71] Energy Transfer Partners rejected the request and resumed construction.[72] On September 13, 2016, chairman and CEO of Energy Transfer Partners Kelcy Warren said concerns about the pipeline's impact on the water supply were "unfounded", that "multiple archaeological studies conducted with state historic preservation offices found no sacred items along the route" and that the company would meet with officials in Washington "to understand their position and reiterate our commitment to bring the Dakota Access Pipeline into operation".[73]

On November 1, 2016, President Obama announced his administration was monitoring the situation and had been in contact with the USACE to examine the possibility of rerouting the pipeline to avoid lands that Native Americans hold sacred.[74] On November 14, 2016, the USACE announced that "the Army has determined that additional discussion and analysis are warranted in light of the history of the Great Sioux Nation's dispossessions of lands, the importance of Lake Oahe to the Tribe, our government-to-government relationship, and the statute governing easements through government property."[75] Energy Transfer Partners responded by criticizing the Obama administration for "political interference" and said that "further delay in the consideration of this case would

add millions of dollars more each month in costs which cannot be recovered." North Dakota Governor Jack Dalrymple criticized the decision saying the pipeline would be safe and that the decision was "long overdue".[76] Craig Stevens, spokesman for the Midwest Alliance for Infrastructure Now (MAIN) Coalition, called the Corps's announcement "yet another attempt at death by delay" and said the Obama administration "has chosen to further fan the flames of protest by more inaction." North Dakota Senator John Hoeven said in a statement that the delay "will only prolong the disruption in the region caused by protests and make life difficult for everyone who lives and works in the area."[77] Speaking to CBS News in November, Kelcy Warren said that it would be "100 percent that the easement gets granted and the pipeline gets built" when newly elected President elect Donald Trump came into office on January 20, 2017.[78]

On December 4, 2016, the USACE announced, it would not grant an easement for the pipeline to be drilled under Lake Oahe and was undertaking an environmental impact statement to look at possible alternative routes.[79][80][81] The Assistant Secretary of the Army (Civil Works), Jo-Ellen Darcy said that "the best way to complete that work responsibly and expeditiously is to explore alternate routes for the pipeline crossing".[82] Energy Transfer Partners and Sunoco Logistics Partners issued a same-day response saying that the White House's directive "is just the latest in a series of overt and transparent political actions by an administration which has abandoned the rule of law in favor of currying favor with a narrow and extreme political constituency." They said that the companies "fully expect to complete construction of the pipeline without any additional rerouting in and around Lake Oahe. Nothing this Administration has done today changes that in any way."[83]

On January 18, 2017, the USACE filed its formal Notice of Intent to conduct the Environmental Impact Statement process.[84] The notice opened a thirty-day comment on the scope of the EIS, which concerns the crossing of Lake Oahe. The proposed EIS was to consider "Alternative locations for the pipeline crossing the Missouri River", direct and indirect risks and impacts of an oil spill on the lake, the Standing Rock Sioux's water supply, and their "water, treaty fishing, and hunting rights"; as well as their treaty rights to the lake.[84] The same day U.S. District Judge James Boasberg denied ETP's request to delay the EIS process.[85]

President Donald Trump signing the Presidential Memoranda to advance the construction of the Keystone XL and Dakota Access pipelines. January 24th, 2017

On January 24, 2017, President Donald Trump, in a move that stood in contrast to the actions of the Obama administration, signed a presidential memorandum to advance approval of pipeline construction, while stating his intention to "renegotiate some of the terms" of the pipeline bill.[86] The order would expedite the environmental review that Trump described as an "incredibly cumbersome, long, horrible permitting process."[87][88] These executive orders also outlined how the completion of the pipeline would create more jobs which is something that Trump and his administration believe is essential and important. They also feel as if the wages that people are being paid should be increased, another factor of the continued completion of the pipeline that the administration feels would be beneficial.[89] The fast change of pace is what led to the clashes and resulting arrests of those who were residing on the land in order to continue the protesting of a pipeline. The actual purpose of the orders signed by Trump was to counteract the denial by the USACE to continue the pipeline being built, which was originally issued in November 2015.[90][89]

On February 7, 2017, the USACE sent a notice of intent to the United States Congress to grant an easement under Lake Oahe 24 hours following notification of the delivery of the notification.[91][92] On February 9, 2017, the Cheyenne River Sioux sued the easement decision, citing an 1851 treaty and interference with the religious practices of the tribe.[93][94][95]

On February 22, 2017 the deadline for protesters to leave the camp, the protest site was closed. Although many left voluntarily, ten people were arrested. Even with the arrests, there was no major conflict.

Construction of the pipeline was completed by April 2017.[3]

Operation

The first oil was delivered through the pipeline on May 14, 2017.[3] On June 1, 2017, testing was completed and the pipeline became commercially operational.[4][5] Near the central Illinois end of the pipeline, debate about the trade-off's between the environment, farm-life and the economy continued after the pipeline began operation.[96]

After its first year of operation Forbes reported the pipeline was transporting over 500,000 barrels per day (79,000 m^3/d) and had transported approximately 182.5 million barrels (29.02×10^6 m^3) of oil.[97]

Federal agencies permissions

No federal agency has jurisdiction over the whole pipeline. The USACE has conducted a limited review of the route, involving an environmental assessment of river crossings and portions of the project related to specific permits, and issued a finding of no significant impact. It did not carry out an area-wide full environmental impact assessment of the entire effects of the overall project through the four states.[98] The USACE was authorized to grant the following:

- verification of Nationwide Permit #12 permits for 202 crossings of jurisdictional waters under Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act;
- permissions for consent to cross flowage easements acquired and administered by USACE at Lake Sakakawea and Carlyle Reservoir, under Section 14 of the Rivers and Harbors Act of 1899 codified 33 U.S.C. Section 408 (Section 408)
- permissions to modify the Oahe Dam/Lake Oahe project by granting easements to cross federal property administered by USACE for the flood control and navigation project, under Section 408;
- permissions to cross the McGee Creek Levee, the Illinois River navigation channel and the Coon Run Levees, under Section 408;
- permission to horizontally directionally drill under the Mississippi River navigation channel, under Section 408.[58]

On June 14, 2017, federal judge James Boasberg ruled that "the Court agrees that [the Army Corps of Engineers] did not adequately consider the impacts of an oil spill on fishing rights, hunting rights, or environmental justice, or the degree to which the pipeline's effects are likely to be highly controversial."[99]

Concerns

Health and environment

Conservation groups worry about safety, and the impacts on air, water, wildlife and farming, because of the risk of the pipeline disruption.[100] Greenpeace and a group of more than 160 scientists dedicated to conservation and preservation of threatened natural resources and endangered species spoke out against the pipeline.[101][102][103] The Science & Environmental Health Network also rejected the pipeline.[104]

Cannonball River, North Dakota

Environmentalists and Native Americans accused the USACE of hastily approving each stage of the review process and ignoring federal regulations and established treaties with Native American tribes. They claimed there was a lack of environmental foresight and consideration.[105] They expressed their fears that the Missouri River might become contaminated in the event of a spill or leak, jeopardizing a source of drinking and irrigation water that millions of people depend on for clean water.[101][106] They claimed that the environmental review that was performed to analyze the impact of the pipeline on its surroundings was incomplete, claiming that even much smaller, less risky development projects require more rigorous impact analysis than has been completed for the Dakota Access Pipeline.[106] The company responded that the pipeline goes underneath Lake Oahe 90–150 feet (27–46 m) below the surface and it has automated valves on each side of the lake. They also explained that the water outtake for the Standing Rock Sioux Reservation will be 70 miles (110 km) downstream, and that contamination of the water supply is unlikely.[107] It has been reported that the pipeline commercial operations started without oil spill response plan for the Missouri River crossing and without emergency response cleanup equipment stored nearby.[108]

Sunoco Logistics, the future operator of the pipeline, has spilled crude oil from its onshore pipelines more often since 2010 than any other US pipeline operator, with at least 203 leaks disclosed to the Pipeline and Hazardous Materials Safety Administration,[109] with a total of 3,406 barrels (143,100 US gal; 541.5 m^3) of crude oil spilled. The Iowa Environmental Council stated it is "concerned whether the state has enough protections—from state government oversight to ensuring the company has enough money in reserve to address any harm caused by a spill".[13] Iowa state laws require pipeline owners to have only a $250,000-reserve fund. Iowa Citizens for Community Improvement called the $250,000-reserve fund "fiscally irresponsible" and suggested raising it to at least $1 billion, indexed to inflation, which would match Alaska's precautions of protection.[110]

Disturbance of land

Trenching to install drainage tile in Iowa during the 1980s.

Some farmers are concerned about the disturbance of the land, tiling, soil erosion, and soil quality.[42] Iowa fields contain a lot of drain tiles, which can be damaged. The pipeline company said they would repair any tile damaged during construction and place the pipeline 2 feet (.6 m) below drainage tiles.[6] Some farmers were concerned about soil disturbance, but a Dakota Access spokesman noted that the soil had already been disturbed during the installation of drainage tile in all of the contested farms the pipeline planned to cross.[111] During construction there is also concern for the spread of invasive weeds into the surrounding land. Both states (North and South Dakota) list Russian knapweed (Rhaponticum repens), Canada Thistle (Cirsium arvense), Leafy Spurge (Euphorbia esula), Purple Loosestrife (Lythrum salicaria), and Saltceder (Tamarix chinensis) as invasive species of weed.[112] However, under law the management of invasive weeds, once they are on private property, fall under the landowners responsibility. Farmers are also concerned about leaks in the pipeline caused by destabilization in certain areas prone to flooding, which could cause an environmental disaster.[113]

Eminent domain

Highway sign objecting to the pipeline in Iowa

Landowners across Iowa have expressed concern about the implications of allowing the state to use eminent domain to condemn privately owned land, particularly agricultural land, on behalf of a company that has not demonstrated any substantial public benefit to the residents of Iowa.[14] In March 2015, a *Des Moines Register* poll found that while 57% of Iowans supported the Dakota Access Pipeline, 74% were opposed to the use of eminent domain condemnation on behalf of a private corporation.[114] The Iowa chapter of the Sierra Club was "worried about the rights of landowners [...] concerned about [their] Dakota Access LLCs economic projections and whether there are really any benefits to Iowa.[13]

For pipelines, eminent domain is most often invoked to grant a legal "right of way" easement for a certain tract of land with a parcel owned by a private landowner(s) as is necessary for the pipeline to pass through the parcels along its route. While many people believe the invocation of "eminent domain" inherently means land is being taken away completely from landowners,[115][116] landowners do retain ownership of property affected by a pipeline right of way—however, those landowners lose certain rights to the portion of their property encumbered by the easement, including the right to freely use that portion of their property. Because US law requires landowners receive "just compensation" when eminent domain is invoked, landowners whose property rights are affected by the pipeline are compensated for the long-term use of their land, and they are paid for the loss of the current crop on farmland, replacement of fences, and re-seeding of grass.[117][118] When a landowner voluntarily enters an easement agreement granting a right of way for the pipeline in exchange for compensation, the easement is called a voluntary easement.

In August 2016, the company stated that it had already executed easement agreements with 99% of the landowners whose properties lie along the four-state route and, with regards to the landowners along the pipeline's route in Iowa, 99% had entered voluntary easements.[119]

The US Army Corps has given notice that they intend to grant the final easement for the Dakota Access Pipeline on February 7, 2017. This easement allows for construction of the pipeline to cross the Mni Sose.[120]

Tribal opposition

The Meskwaki tribe opposes the pipeline for numerous reasons; tribal chairwoman Judith Bender told the Iowa Utilities Board that she is concerned that the pipeline could be used as a replacement if the Keystone XL pipeline is not built.[121] The Standing Rock Sioux and the Cheyenne River Sioux tribes have also stated their opposition to the Dakota Access Pipeline on the grounds that the pipeline and its construction threatens the tribe's "way of life, [their] water, people, and land".[122] In September 2014, Standing Rock Chairman Dave Archambault II indicated the tribe's opposition to any pipeline within treaty boundaries encompassing "North Dakota, Montana, Wyoming and South Dakota."[37] The decision to reroute the pipeline closer to the reservation was described by Jesse Jackson and other critics as "environmental racism".[123]

Saying that "the Corps effectively wrote off the tribe's concerns and ignored the pipeline's impacts to sacred sites and culturally important landscapes," the Standing Rock Sioux Tribe has sued the USACE in the United States District Court for the District of Columbia, accusing the agency of violating the National Historic Preservation Act and other laws, and seeking declaratory and injunctive relief to stop the pipeline.[124][125][65][126] This claim was rejected by the court. U.S. District Judge James E. Boasberg said in the ruling that the USACE "likely complied" with its obligation to consult the tribe and that the tribe "has not shown it will suffer injury that would be prevented by any injunction the Court could issue."[127]

On September 20, 2016, Dave Archambault II addressed the UN Human Rights Council in Geneva, Switzerland, where he called "upon all parties to stop the construction of the Dakota Access Pipeline." Citing the 1851 Treaty of Traverse des Sioux and 1868 Treaty of Fort Laramie, two treaties ratified by the U.S. Senate that recognize the Sioux's national sovereignty, Archambault told the Council that "the oil companies and the government of the United States have failed to respect our sovereign rights."[128] On September 22, 2016, Victoria Tauli-Corpuz, a United Nations expert on the rights of indigenous peoples, admonished the U.S., saying, "The tribe was denied access to information and excluded from consultations at the planning stage of the project, and environmental assessments failed to disclose the presence and proximity of the Standing Rock Sioux Reservation." She also responded to the rights of pipeline protesters, saying, "The U.S. authorities should fully protect and facilitate the right to freedom of peaceful assembly of indigenous peoples, which plays a key role in empowering their ability to claim other rights."[129] According to the statement by Alvaro Pop Ac, Chair of the United Nations Permanent Forum on Indigenous Issues, "the project was proposed and planned without any consultation with the Standing Rock Sioux or others that will be affected by this major project."[130] According to the USACE's data there had been 389 meetings with more than 55 tribes, including nine meetings with The Standing Rock Sioux Tribe.[131] Kelcy Warren has stated that the company is not on any Native American property.[107]

In December 2016, Trump's Native American Coalition held a meeting where members, American Indian and Alaska Native Tribal leaders, and activists could be present to discuss a wide variety of topics that concerned the effects and implications of the pipeline construction as well as environmental protections and safety concerns.[132] The general purpose of this meeting was to provide facts in place of rumors so that every involved party could be properly informed.

Archaeological surveys

Several groups, including the Standing Rock Sioux and the Society for American Archaeology, have raised concerns over the thoroughness of archaeological surveys conducted along the pipeline's corridor. These surveys were carried out under the direction of the USACE, in compliance with the National Historic Preservation Act (NHPA).[133] The NHPA requires consideration of archaeological sites and traditional cultural properties.[134][135] The initial survey showed 149 sites and the pipeline was subsequently moved to avoid 140 of them.[136][137] The Advisory Council on Historic Preservation, which oversees compliance with

the NHPA, raised two primary concerns to the USACE about the surveys.[133][138] They criticized the scope of the investigation, which defined each water crossing as a separate project, and therefore failed to consider the pipeline as a whole.[133][138] They also criticized the lack of tribal involvement in the surveys.[133][138]

Tribal consultants help archaeologists identify sites that may be harder to see within the archaeological record, such as traditional cultural properties.[136] A traditional cultural property is a property whose "significance derived from the role the property plays in a community's historically rooted beliefs, customs, and practices."[134] The USACE reached out to the Standing Rock Sioux on several occasions for consultation, but were denied.[136] The Sioux refused to participate unless they could consult on the whole pipeline.[136] One instance of tribal consultation at Lake Oahe identified several cultural sites and a cemetery that the USACE previously failed to note.[136]

On September 2, 2016 Tim Mentz, a former Historic Preservation Officer for the Standing Rock Sioux, testified in DC District Court that 27 graves and 82 sacred sites were to be disturbed by the Cannonball river section of the pipeline.[136][139] That weekend this area was bulldozed.[136][139][140][141] On September 21, 2016, 1,281 anthropologists, archaeologists, museum officials, and others signed and released a letter in support of the tribal community, calling for further study of the area to be affected by the pipeline in South Dakota.[142] The Society for American Archaeologists also sent a letter to the USACE, detailing their organizations concerns over the project.[142][143]

According to the North Dakota State Historic Preservation Office, the areas highlighted by Tim Mentz were evaluated by state officials on both September 21 and October 20, 2016.[136] They found that only four stone features would be directly impacted by the pipeline.[136] However, many are still concerned about the cumulative effect the project may have on sites that lie outside the 150 ft corridor.[136][138] Jon Eagle, a Historic Preservation Officer for the tribe, was invited to participate in the evaluation on Sept. 23, but was not allowed access to the areas of the corridor on private property.[141] The tribe insists that evidence was destroyed by the construction company, as grading had gone on in the area previously.[136][139][140][141]

Political ties

According to his federal disclosure forms, filed in May 2016, President Donald Trump held between $15,000 and $50,000 in stock in Energy Transfer Partners – down from $500,000 to $1 million in 2015 – and between $100,000 and $250,000 in Phillips 66. This creates a conflict of interest when making presidential decisions affecting the pipeline project. The senior Democrat on the Public Resources Committee, Raul Grijalva, called this appearance of conflict of interest "disturbing".[144] *The Washington Post* reported that Trump sold off his shares in Energy Transfer Partners in the summer of 2016.[145]

Trump is also indirectly linked to the project because Energy Transfer Partners CEO Kelcy Warren contributed $103,000 to the Trump campaign.[146][147] Trump has said that he supports the completion of the pipeline project. According to his transition team this position "has nothing to do with his personal investments and everything to do with promoting policies that benefit all Americans."[148]

A former staffer of Iowa Governor Terry Branstad re-election campaign, Susan Fenton, who is now the director of government affairs with the Des Moines public relations firm LS2, is handling public relations for Energy Transfer.[149] Texas governor Rick Perry was member of the Energy Transfer Partners and Sunoco Logistics Partners boards of directors but resigned after Trump selected Perry as his nomination for Energy Secretary In December 2016.[150] Kelcy Warren had contributed $6 million to Perry's 2016 Presidential campaign.[151]

Violence against Native people

The encroachment of the DAPL pipeline on the Standing Rock and other Indigenous communities has brought radically increased levels of crime to the affected areas.[152][153] Rather than providing promised jobs, the pipeline companies set up camps for their own, itinerant workers that they move from site to site, (aka "Man Camps"), which bring high levels of sex-trafficking, drug and alcohol-related crimes, and other sexual violence against women and two-spirit people.[153][152][154] Indigenous women have been on the frontline of the resistance against the pipeline, which has been referred to as "the black snake" in prophecy, and have organized

protests including direct action, lockdowns, and prayer circles in the direct line of attempted construction. Some of these women are elders, and veterans of earlier protests, others are young and newly radicalized. Many of their actions have been met by police violence, such as the use of rubber bullets, strip searches, tear gas, and violent arrests of Native women, men and two spirits.[152] The people fighting against the pipeline see themselves as protectors of their culture, their community, the land and the water, and see it as their duty to stand against what they see as American settler colonialism.[155]

The United Nations defines human security as having two major components, freedom from fear and freedom from want. Human security can be threatened by indirect or structural threats. In North Dakota, the Man Camps created a structural threat when the oil fields brought hundreds of men to these areas and the crime rate went up 7.2%.[153]

Protests

Many Sioux tribes have said that the pipeline threatens the Tribe's environmental and economic well-being, and that it has damaged and destroyed sites of great historic, religious, and cultural significance. The tribe has expressed concern over leaks because the pipeline passes under Lake Oahe, which serves as a major source of water.[156] Protests at pipeline construction sites in North Dakota began in the spring of 2016 and drew indigenous people, calling themselves water protectors and land defenders,[157] from throughout North America as well as many other supporters, creating the largest gathering of Native Americans in the past hundred years.[158]

Standing Rock solidarity march in San Francisco, November 2016.

In April 2016, a Standing Rock Sioux elder established a camp near the Missouri River at the site of Sacred Stone Camp, located within the Standing Rock Indian Reservation, as a center for cultural preservation and spiritual resistance to the pipeline, and over the summer the camp grew to thousands of people.[159] In July, *ReZpect Our Water*, a group of Native American youth, ran from Standing Rock in North Dakota to Washington, DC to raise awareness of what they perceive as a threat to their people's drinking water and that of everyone who relies on the Missouri and Mississippi rivers for drinking water and irrigation.[6][126]

While the protests drew international attention and were said to be "reshaping the national conversation for any environmental projec that would cross the Native American land",[160] there was limited mainstream media coverage of the events in the United States until early September.[161] At that time, construction workers bulldozed a section of land that tribal historic preservation officers had documented as a historic, sacred site, and when protesters entered the area security workers used attack dogs, which bit at least five of the protesters. The incident was filmed and viewed by several million people on YouTube and other social media.[162][163][164][165] In late October, armed soldiers and police with riot gear and military equipment cleared an encampment that was directly in the proposed pipeline's path.[166][167]

According to state and federal authorities, there were several cases of arson that damaged pipeline construction equipment in Iowa during 2016. One deliberately set fire caused nearly $1 million in damage to construction equipment in August in Jasper County, Iowa. Two other fires involving pipeline construction equipment were set around the same time in the same county and another was set in Mahaska County.[168] In October, another arson fire caused $2 million worth of damage to pipeline construction equipment in Jasper County, Iowa.[169]

On November 15, protesters in Chicago, Los Angeles, Manhattan, Denver, and other cities held protests against the pipeline in a coordinated protest which organizers called a "National Day of Action".[170][171] In January 2017, President Donald Trump issued a memorandum directing the USACE to expedite the project. After the USACE approved the final easement under Lake Oahe on February 9, allowing Dakota Access to complete the pipeline, the decision was challenged in a lawsuit by the Cheyenne River Sioux.[172][173] Sacred Stone Camp was cleared by local law enforcement on February 22, 2017.[174][175]

In December 2016, it was reported that Dakota Access LLC had hired the firm TigerSwan to provide security during the protest.[176] In May 2017, internal TigerSwan documents leaked to *The Intercept* and other documents obtained through public records requests revealed a close collaboration between the pipeline company and local, state, and federal law enforcement as they carried out

"military-style counterterrorism measures" to suppress the protesters. TigerSwan also collected information used to assist prosecutors in building cases against protesters, and used social media in an attempt to sway public support for the pipeline. One of the released documents called the pipeline opposition movement "an ideologically driven insurgency with a strong religious component" that operated along a "jihadist insurgency model".[177]

See also

- Environmental racism
- List of natural gas pipelines in North America
- List of oil pipelines in North America
- List of oil refineries in North America
- Pipeline transport

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External links

- Dakota Access Pipeline - Official Website - Energy Transfer
- Dakota Access Pipeline - Project Maps - Energy Transfer
- Frequently Asked Questions DAPL US Army Corps of Engineers, Omaha Division
- SRS Tribal Council Meeting (Sept. 2014) audio. Standing Rock Sioux Tribe meeting with DAPL representatives
- Combined application of Dakota Access LLC for a Waiver or Reduction of Procedures and Time Schedules and for a Corridor Certificate and Route Permit Dakota Access, LLC (Dec. 2014)
- Map of Oil and Natural Gas Pipelines in the United States (Sept. 2015) - Pipeline and Hazardous Materials Safety Administration
- Memorandum Opinion of "Standing Rock Sioux Tribe vs U.S. Army Corp of Engineers" (Sept. 2016) - United States District Court
- Environmental assessment: Dakota Access Pipeline Project, crossings of flowage easements and federal lands Dakota Access, LLC; US Army Corps of Engineers, Omaha Division
- Chronology of Opposition to Dakota Access Pipeline from Standing Rock Sioux Tribe
- President Trump Signs Executive Orders on Dakota Access and Keystone Pipelines

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